IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 10921 of 2007(A)

PETITIONER:

P.V.GEORGE,S/O.VARGHESE,PROPRIETOR,
PERIYAR PROFILES,PADAYATTIL HOUSE,ANGAMALY,
ERNAKULAM DISTRICT.

BY ADV. SRI.PRAMOD J.DEV
SRI.V.P.JOY.

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,VYDHYUTHI BHAVAN,
THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,K.S.E.B
ELECTRICAL DIVISION,PERUMBAVOOR.

3. THE ASSISTANT EXECUTIVE ENGINEER,
K.S.E.B ELECTRICAL MAJOR SECTION,KALADY.

4. THE ASSISTANT ENGINEER,K.S.E.B
ELECTRICAL SECTION,THURAVOOR.

BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF PROVISIONAL REGISTRATION ISSUED BY INDUSTRIES DEPT., ALUVA

EXT.P2 TRUE COPY OF CONSENT ISSUED BY THURAVOOR GRAMA PANCHAYAT

EXT.P3 TRUE COPY OF CONSENT FROM POLLUTION CONTROL BOARD DATED 27.2.2006

EXT.P4 TRUE COPY OF APPLICATION SUBMITTED BY PETITIONER BEFORE THE RESPONDENTS DATED 27.5.2005

EXT.P5 STRUE COPY OF ORDER DATED 21.12.2005 ISSUED BY 2ND RESPONDENT.

EXT.P6 TRUE COPY OF WRITTEN STATEMENT FILED BY RESPONDENTS IN WP 20333/06

EXT.P7 TRUE COPY OF CIRCULAR DATED 7.7.2006 ISSUED BY RESPONDENT.

EXT.P8 TRUE COPY OF JUDGMENT DATED 7.11.2006 IN WPC 20033/06

EXT.P9 TRUE COPY OF JUDGMENT DATED 5.2.2007 IN W.A. NO.2247 OF 2006

EXT.P10 TRUE COPY OF ORDER NO. GB/CASES/KLDY/06-07 DATED 22.2.2007 ISSUED BY 2ND RESPONDENT.

EXT.P11 TRUE COPY OF REPLY NO. RBB/RI/06-07/THR/131 DATED 26.3.2007 ISSUED BY 4TH RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 10921 OF 200

Dated this the 5th day of December, 2007

JUDGMENT

Petitioner applied for LT connection for his industry. The application was made on 27.9.2005. Administrative sanction was given on 21.12.2005. However, prior to execution of agreement Electricity Regulatory Commission instructed the KSEB to limit LT connection only for power demand upto 100 KVA. Petitioner's case is that Ext.P7 applies to those who made application after 31.1.2006 and since petitioner's application was made on 27.9.2005 and administrative sanction was given on 21.12.2005, petitioner is entitled to LT connection for his industry. I find force in his contention because all what remains is only execution of agreement. In the circumstances, following Ext.P7 I direct the Ele. Board to give LT connection to the petitioner if his demand is below 150 KVA. Ele. Board will be free to charge all statutory charges applicable as of now.

W.P. is allowed as above.

(C.N. RAMACHANDRAN NAIR)
Judge